

Virginia Board of Education Agenda Item



Agenda Item: L

Date: September 19, 2019

Title: Annual Report from the State Special Education Advisory Committee

Presenter: Dr. Samantha Hollins, Assistant Superintendent, Special Education and Student Services

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Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:

The State Special Education Advisory Committee (SSEAC) is organized and functions in accordance with state and federal requirements. The Committee's functions include the following:

- defining plans for identifying children with disabilities;
- formulating and developing long-range plans that will provide services for children with disabilities;
- determining the unmet needs of children with disabilities within the state;
- developing priorities and strategies for meeting identified needs of children with disabilities;
- reviewing and making public comment on the State Systemic Improvement Plan, the procedures for the distribution of funds under Part B of the Individuals with Disabilities Education Act (IDEA), and any rules or regulations proposed by the state regarding the education of children with disabilities;
- review findings and decisions regarding due process procedures for parents and children;
- advise the state in developing corrective action plans to address findings identified in Federal monitoring reports; and
- prepare and submit an annual report to the Virginia Board of Education.

The SSEAC is composed of representatives of stakeholder groups as prescribed by IDEA. A majority of the members must be individuals with a disability or parents of children with a disability eligible to receive services under IDEA. Members are appointed by the Virginia Board of Education.

The SSEAC meets in regular session four times a year. Each regular session generally consists of one full day meeting followed by a half-day meeting the next day. Subcommittees and the executive committee meet as necessary to fulfill their responsibilities. The SSEAC provides opportunities for public comment at each of its meetings, for each SSEAC member to report on his/her constituency group, and invited special guests to present on initiatives and programs pertaining to students with disabilities. The subcommittees addressed student achievement and student outcomes, policy and regulations, and family engagement and community outreach initiatives.

Based on the work of these subcommittees, constituency reports, presentations, and public comments, the SSEAC report includes recommendations that support the Virginia Board of Education's priority to provide high-quality, effective learning environments for all students; specifically targeted to students with disabilities. The report recommends that the Board of Education (BOE) continue its efforts to address the teacher, staff, and other professional support staff shortages. The report also recommends that support and adequate training for school division personnel and families once the *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* are implemented. The SSEAC approved its annual report at its July 2019, meeting for submission, and presentation to the BOE.

Action Requested:

No action requested.

Superintendent's Recommendation:

The Superintendent recommends that the Board of Education receive and review the SSEAC report and its recommendations as it moves forward to provide high-quality, effective learning environments for all students, specifically as they relate to students with disabilities.

Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:

In accordance with the requirements of the *Individuals with Disabilities Education Improvement Act*, effective December 3, 2004, (IDEA 2004), its implementing federal regulations, effective October 13, 2006, at 34 C.F.R. 300.167 through 34 C.F.R. 300.169, and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, effective July 7, 2009, reissued on January 25, 2010, and July 29, 2015, at 8 VAC 20-81-20 15.c(2), the State Special Education Advisory Committee (SSEAC) assists the Board of Education by providing advice on policies and practices that help increase accountability for academic success for students with disabilities. The SSEAC is mandated by federal and state regulations and represents a number of constituency groups that advocate for children and youth with disabilities.

Timetable for Further Review/Action:

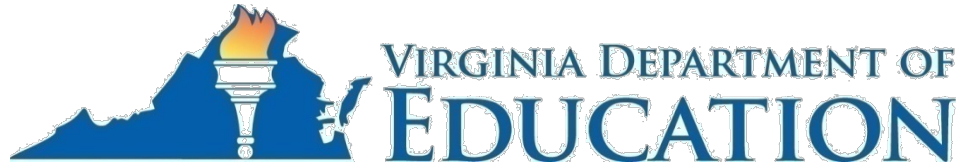
No additional action is required. Following the Board of Education's review, the Virginia Department of Education will continue working with the SSEAC and assist the committee as it takes action on any recommendations from the Board of Education.

Impact on Fiscal and Human Resources:

The impact on human resources is reliant on any action taken with respect to the recommendations presented in the SSEAC annual report.

The operating expenses and other costs associated with the meetings and functions of the Board of Education's advisory committees are provided through the Department of Education's operating funds.

Where applicable, federal funds are provided to support the expenses and the work of the advisory committee.



VIRGINIA STATE
SPECIAL EDUCATION
ADVISORY COMMITTEE (SSEAC)
ANNUAL REPORT
JULY 2018 – JUNE 2019

INTRODUCTION

The *Individuals with Disabilities Education Act* (IDEA 2004) requires that each state establish and maintain a state advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. The federal regulations specify membership and require that a majority of members be individuals with disabilities or parents of children with disabilities. Specifically, the regulations require the following membership include:

- parents of children with disabilities (ages birth through 26);
- individuals with disabilities;
- teachers;
- representatives of institutions of higher education that prepare special education and related services personnel;
- state and local education officials, including officials who carry out activities under subtitle B of title VII of the *McKinney-Vento Homeless Assistance Act* (42 U.S.C. 11431 *et seq.*);
- administrators of programs for children with disabilities;
- representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- representatives of private schools and public charter schools;
- not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- a representative from the State child welfare agency responsible for foster care; and
- representatives from the State juvenile and adult corrections agencies.

See the IDEA 2004 implementing regulations at 34 CFR § 300.167 through 34 CFR § 300.169 and the *Regulations Governing Special Education Programs for Students with Disabilities in Virginia* (the Virginia Regulations) at 8VAC20-81-20 15.a (1) through (11).

In Virginia, the panel is known as the State Special Education Advisory Committee (SSEAC). This report serves to confirm that the SSEAC membership for the 2018-2019 operational year satisfied the requirements of the above-referenced regulations.

COMMITTEE ORGANIZATION

The activities of the Virginia State Special Education Advisory Committee (SSEAC) are governed by the Virginia Board of Education (BOE) bylaws for advisory committees. The SSEAC year commences on July 1 and ends on June 30 of the following calendar year. Committee members work with the Virginia Department of Education (VDOE) staff in establishing priorities and agenda items for SSEAC meetings. The SSEAC delegates various

subcommittees to monitor programmatic issues and future items of concern.

STANDING SUBCOMMITTEES

Five standing subcommittees are used to conduct much of the work of the SSEAC. These include Executive, Nominating, Policy and Regulations, Student Achievement and Student Outcomes, and Family Engagement and Community Outreach. The five subcommittees are consistent with the priorities of the Assistant Superintendent for Special Education and Student Services, and the SSEAC supports the VDOE's focus on these priorities.

The SSEAC members are each assigned to subcommittees based upon each member's expertise, interests, and concerns. Each subcommittee is chaired by a member of the executive committee. Subcommittees make recommendations to the full committee. Such recommendations may result in further study with additional information from the VDOE, presentations to the SSEAC, or inclusion in the SSEAC's Annual Report to the BOE. The VDOE personnel serve as consultants to each of the subcommittees, providing technical assistance, clarification of VDOE policies and procedures, and additional information.

- **Executive** - The Executive Subcommittee includes the Chair, Vice Chair, Secretary, and three At-large members. The committee establishes priorities for meeting agendas and provides overall direction to the SSEAC.
- **Nominating** - The Nominating Subcommittee is charged with nominating a slate of nominations for Executive Subcommittee vacancies.
- **Policy and Regulations** - This subcommittee focuses on initiatives at the state level that either result in policy and regulations or have an impact on policy and regulations as they pertain to students with disabilities.
- **Student Achievement and Student Outcomes** - This subcommittee focuses on achievement and outcome data, goals under the state plan for students with disabilities, transition planning, and best practices. The purpose of this subcommittee is to identify and make recommendations to the VDOE.
- **Family Engagement and Community Outreach** - This subcommittee provides recommendations to the VDOE on Family Engagement and Community Outreach best practice. Educating parents, students, and schools/community partners on how to strengthen relationships and how to support one another in the education of students with disabilities.

MEETINGS

The full committee meets in regular session at least four times annually. Subcommittees meet during the regular sessions and as necessary to fulfill their responsibilities to the SSEAC. Every

effort is made to consolidate the work of subcommittees with the regular sessions. All meetings and work sessions are open to the public. The public is offered an opportunity to make comment during a specified time allotted in the agenda at each regular meeting.

During the 2018-2019 year, meetings were held in the Richmond area on the following dates:

October 4-5, 2018

December 6-7, 2018

March 7-8, 2018

July 18-19, 2019

Meeting dates scheduled for the remainder of 2019 are:

October 3-4, 2019

December 5-6, 2019

PRESENTATIONS

Each meeting included presentations, updates on the status of numerous projects, state and federal legislation, funding initiatives, and other information related to services for students with disabilities. These presentations provided the basis for much of the subcommittee work as well as the desire to have additional presentations on specific topics.

The following topics were presented by VDOE staff or other community stakeholders:

- Assistant Superintendent's Reports of VDOE Activities
- *Virginia Freedom of Information Act*
- Annual Plan Application
- Professional Development and Technical Assistance Initiatives
- Annual Dispute Resolution Report
- Critical Decision Points Grant
- Profile of a Graduate and Standards of Accreditation Update
- Back to Basics Initiative Update
- Aspiring Special Education Leaders Academy (ASELA) Briefing
- Superintendent of Public Instruction Briefing
- *Virginia is for Learners*, Maximizing the Potential of all Students
- VDOE Mathematics Initiatives Update
- Virginia Inclusive Practices Update
- ABLEnow
- Model Guidance for Positive and Preventative Code of Student Conduct and Alternatives to Suspension
- Trauma Informed Care
- Update on the State Systemic Improvement Plan (SSIP)
- Update on Seclusion and Restraint Regulations

- VDOE Equity and *Virginia is For Learners* Initiatives
- Multisensory Structured Literacy Instruction Training

PUBLIC COMMENTS

A public comment period was held at each meeting. The SSEAC members appreciate the time and effort of Virginia citizens to attend or provide a written narrative of their commentary for presentation at meetings to ensure their voices are heard. During the 2018-2019 year, the SSEAC heard commentary on the following topics:

Individualized Education Program:

- Parental rights,
- Native language IEP,
- IEP Team roles, and
- McKinney-Vento transportation requirements

Special Education Advisory Committee:

- Parent participation,
- SEAC dysfunction,
- SEAC membership and best practices, and
- Public comment accommodations

Other Concerns:

- Diploma statistics,
- Trauma,
- Service animal protocols, and
- *Every Student Succeeds Act* (ESSA)/chronic absenteeism

ISSUES IDENTIFIED THROUGH CONSTITUENCY REPORTS

Each member of the SSEAC was provided an opportunity at the SSEAC meetings to report on activities and issues from their constituency groups. During the 2018-2019 year, the following concerns were shared through each SSEAC member's constituency report and are grouped by topic area as indicated:

- Parent involvement, family engagement
- Funding limitations

- Transition support
- Teacher and staffing shortages
- Seclusion and Restraint regulations
- Local Special Education Advisory Committee practices
- Mental health, behaviors, trauma informed training
- Eligibility practices
- Inclusion
- Graduation
- Bullying

COMMENDATIONS

The SSEAC wishes to extend its appreciation to the previous Assistant Superintendent of Special Education and Student Services, Mr. John Eisenberg and welcome his successor, Dr. Samantha Hollins. We would like to commend the BOE and the VDOE on the following:

1. For a seventh consecutive year, Virginia has earned the U.S. Department of Education's highest rating for improving outcomes for students with disabilities and for compliance with the federal *Individuals with Disabilities Education Act* (IDEA).
2. Supporting the "*Virginia is for Learners* Initiative" which promotes deeper learning, equity in education, the five C's, and the Profile of the Virginia Graduate.
3. Joining Secretary Qarni and the Virginia Association of Superintendents to host a Teacher Retention Summit.
4. Partnering with the Council for Exceptional Children (CEC) to develop a pilot program of supports for first-year special education teachers.
5. Focusing on equity and closing achievement gaps through the collaborative efforts of the EdEquity Conference.
6. Adopting the special permission credit accommodation which will allow students with disabilities the opportunity to earn locally awarded verified credits.
7. Presenting Critical Decision Point trainings for parents of students with disabilities in all eight Superintendents regions of the Commonwealth.

The SSEAC would like to recognize the ongoing opportunities, partnerships, and initiatives for the last several years by the Virginia Board of Education.

1. Innovative opportunities through career awareness, prevocational and vocational training courses and programs that have included I'm Determined, MOVE Youth Institute, Project SEARCH, ACE-IT in College, Start on Success, Aspiring Special Education Leadership Academy, and CTE courses that help students earn credentials, life ready skills and improve post-secondary outcomes.

2. Partnerships with: The Virginia Board for People with Disabilities (VBPD), Parent Educational Advocacy Training Center (PEATC), the Center for Family Involvement (CFI), the Center for Transition Innovations (CTI), and the Autism Center for Excellence (ACE) all of which utilize their programming strengths to support collaboration with families, schools, and advocates, by providing information and training.
3. Continuing initiatives to develop online resources that promote total inclusive school programming which improve learning outcomes.

RECOGNITIONS

During our March 8, 2019, meeting, the SSEAC recognized Mrs. Erica Midboe for her six years of service and Ms. Lora Smith for her two years of service on the State Special Education Advisory Committee. They both received certificates to recognize their services to the children of the Commonwealth.

RECOMMENDATIONS

While the percentage of students with disabilities receiving a standard or advanced diploma has increased in Virginia, there are remaining concerns surrounding the number of students who cannot meet the requirements for a standard or advanced diploma, the SSEAC recommends the BOE continue to support the State Systemic Improvement Plan. The SSEAC is in agreement with the BOE's goal to make each individual "life-ready," successful citizens who can participate in the global economy; this is inclusive of students with disabilities.

The SSEAC recognizes the BOE's success in revising the standards of quality to increase graduation rates. However, barriers to success that remain are family engagement, mental health, trauma, inclusion practices, staff recruitment and retention, transition, eligibility, and access to assistive technology. For students with disabilities, parents need to be supported in a way that provides accurate information which will lead to positive academic experiences, career choices, and provide positive outcomes as student's transition into adulthood. To the maximum extent appropriate, students with disabilities should be educated with students who do not have disabilities in the least restrictive environment.

Based on the above observations, public comments, reports from members representing their constituency groups, and other information presented to the committee, the SSEAC makes the following recommendations to the BOE:

- Continue efforts to address the teacher, staff, and other professional support shortages, by exploring available funding resources and partnerships.
- Create additional, more advanced modules for dyslexia, dysgraphia, and other specific learning disabilities; consider more in-depth annual training.
- Finalize the *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* and ensure adequate training for school divisions and families, on the content, once the regulations are adopted.
- Update best practice guidance documents and provide training for local SEACs. Share existing resources and involve the State SEAC in collaboration with the VDOE for training and follow-up.
- Revise the current Parent's Guide to Special Education and develop various versions including video and multi-modal formats.
- As a follow-up to the Critical Decision Points guide and training, enhance opportunities for family engagement by developing an online module/companion video for parents to learn more about their rights.

CONCLUSION

The SSEAC appreciates the opportunity to present these recommendations to the Board of Education and hopes that they will be considered and implemented, as deemed appropriate, without delay. While we recognize the many competing requests for resources, we feel that these requests are reasonable. We look forward to a response from the Board of Education.